



ZONING BOARD OF APPEALS
RICHARD D. CARNEY MUNICIPAL OFFICE BUILDING
100 MAPLE AVENUE
SHREWSBURY, MASSACHUSETTS 01545-5398

May 14, 2003

PUBLIC HEARING: Elizabeth and Greg Allen, 83 Main Blvd., Shrewsbury, MA.

PURPOSE: To hear the appeal of Elizabeth and Greg Allen, 83 Main Blvd., Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a second story addition upon property located at 83 Main Blvd. maintaining the existing front yard setback of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 29 as Plot 203.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Bridget M. Murphy, Fred Confalone and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on April 29, 2003 and May 6, 2003.

Mr. George: Before we get started, we only have 4 board members and we usually have 5. So, you will need a 4 to nothing vote in your favor to go ahead with this. Do you want to go ahead?

Mrs. Allen: Sure. We just want to add a second story.

Mr. Gordon: Could you just identify yourself because there is an audio record being taken.

Mrs. Allen: I'm Elizabeth Allen of 83 Main Boulevard. My husband couldn't make it tonight because he had to work. We want to add a second floor to our house to add more space. That's all.

Mr. George: Do you have any plans that you can show us?

Mrs. Allen: I do.

Ms. Allen presented the plans to the board.

Mrs. Allen: I have one really big copy if someone wants to look at that.

Mr. George: Okay. So, you're using the same footprint?

Mrs. Allen: Yes, we're going straight up.

Mr. George: You're just going straight up?

Mrs. Allen: Yes. On the plans, there's an optional front overhang over the front door. If you don't want us to do it, we won't do it. It's not something we need to do.

Mr. Alarie: That would conform.

Mr. Gordon: Is this going to remain a split level?

Mrs. Allen: Yes.

Mr. Gordon: It looks like a split level from the outside.

Mrs. Allen: Yes.

Mr. Gordon: Okay, so you're just going to go up 10 ft. above the upper section and raise the roof?

Mrs. Allen: Straight up, right.

Mr. Gordon: Basically, raise the roof?

Mrs. Allen: Raise the roof.

Mr. Gordon: I guess you'll be 2 ½ stories in stead of 2.

Mrs. Allen: Yes. Right now, when you come in, you go up and down. So, it will go up another flight.

Mr. George: Does anybody else have a comment?

Ms. Murphy: What portion is nonconforming right now?

Mr. Alarie: If you see the plot plan, the front yard setback is currently 27ft. A 30 ft. setback is required in that district. The remainder of the property is in conformance with the side and rear yard setbacks. Being only 27 ft. from the street, they need the special permit to extend that nonconforming setback.

Mr. George: Was there a variance on that first one?

Mr. Alarie: No, most of these homes were built under the older bylaw which required a 25 ft. setback.

Mr. George: Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On May 14, 2003 the Zoning Board of Appeals unanimously voted to grant the appeal of Elizabeth and Greg Allen, 83 Main Blvd., Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a second story addition upon property located at 83 Main Blvd. maintaining the existing front yard setback of said property.

The board reviewed the appellants' plans to construct a second story addition to their home and found that the vertical extension of the structure's front yard setback of 27 ft. would not materially change the nonconforming feature of this property. It was their opinion that the construction and occupancy of this addition would not create any condition which would adversely impact the welfare of either the general public or area residents and they, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Confalone	Yes

PUBLIC HEARING: James and Sandra Cawley, 11 East Street, Shrewsbury, MA.

PURPOSE: To hear the appeal of James and Sandra Cawley, 11 East Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a second story addition upon property located at 11 East Ave. maintaining the existing side yard setback of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 23 as Plot 43.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Bridget M. Murphy, Fred Confalone and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on April 29, 2003 and May 6, 2003.

Mr. George: Please identify yourself for the audio record and make your presentation.

Mr. Cawley: Good evening, I'm James Cawley.

Ms. Cawley: I'm Sandra Cawley.

Mr. Cawley: We live at 11 East Avenue. What we are proposing to do is to raise the roof on this existing ranch. We will be putting 5 rooms upstairs; 2 bathrooms, a closet and 3 bedrooms. We will reconfigure the downstairs kitchen and convert the existing bedrooms to bathrooms with a laundry room. I believe we are nonconforming on just the right-hand side of our property, the side bordering Mr. Manchester. It's just a little bit shy of the required setback. We're not altering the footprint at all. Late this afternoon, I dropped off the design plans that we have at the inspector's office. The design plans that he has are pretty much what they are working with right now to finalize.

Mr. Alarie: As the board can see, it's a relatively minor nonconformance at 9.2 ft. from the side lot line. It's less than a foot on the right rear corner of the structure. It varies from that 9.2 ft. to about 9.7 ft. at the front of the structure.

Mr. George: Do any board members have any questions? Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On May 14, 2003 the Zoning Board of Appeals unanimously voted to grant the appeal of James and Sandra Cawley, 11 East Street, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a second story addition upon property located at 11 East Ave. maintaining the existing side yard setback of said property.

The appellants propose to construct a second story addition to their home that will vertically extend the lot's nonconforming northerly side yard setback of 9.2 ft. The board found this extension to be diminimus and that the construction and occupancy of the Cawley's residence as proposed would not materially change its nonconforming features or create any condition that would detrimentally impact the welfare of area residents. Their review of the architectural plans depicting the completed project revealed that its design would compliment the

general character of other properties within this neighbor-hood and they, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Confalone	Yes

PUBLIC HEARING: Marilyn Capelle, 207 Maple Avenue, Shrewsbury, MA..

PURPOSE: To hear the appeal of Marilyn Capelle, 207 Maple Ave., Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the construction of a second story addition upon property located at 207 Maple Ave. maintaining the existing side yard setback of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 27 as Plot 59

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Bridget M. Murphy, Fred Confalone and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on April 29, 2003 and May 6, 2003.

Mr. George: Please identify yourself for the audio record and make your presentation.

Ms. Capelle: Sure, my name is Marilyn Capelle. This is my son, David Capelle. We live at 207 Maple Avenue. What we're here for tonight is to get permission to have the garage roof raised and to make an apartment out there for David to live in.

Mr. Capelle: We have plans if you would like to see them?

Mr. George: Yes.

Mr. Capelle presented the plans to the board.

Mr. George: On the plans that you have, it says "existing garage is to remain." Are you coming off of the side of the garage with the addition or are you just going up?

Ms. Capelle: We're just going up. The garage itself is going to stay the same size. It's a big building.

Mr. Capelle: Right now, it's an existing 3-car garage. The garage bays on the right are going to remain. The one farthest to the left, which is the largest of the 3, will be converted into a living room. Then we would raise the roof just above that area to put 2 bedrooms on the second floor.

Mr. Confalone: But it would be the same footprint?

Mr. Capelle: Yes, it would be the same footprint. There is an existing room on the back of 2 garages that will remain which will be converted to a bathroom and kitchen.

Mr. Gordon: Is this going to be an in-law apartment or is this going to be a straight apartment?

Mr. Alarie: It's actually located in a two-family zone, so they would have the right to do it either way.

Mr. Gordon: It's in what?

Mr. Alarie: It's in a two-family zone.

Mr. Gordon: It's in a B-2?

Mr. Alarie: Yes, sir.

Mr. Gordon: Okay.

Mr. Alarie: They would have the flexibility to use it for either purpose.

Mr. Gordon: Okay. Then, what about the covered walkway? What does that do to it?

Mr. Alarie: It connects it so that it's one structure. Otherwise, you're restricted to having one residential structure per property.

Mr. George: Do any board members have any questions? Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On May 14, 2003 the Zoning Board of Appeals unanimously voted to grant the appeal of Marilyn Capelle, 207 Maple Ave., Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B,

to allow the construction of a second story addition upon property located at 207 Maple Ave. maintaining the existing side yard setback of said property.

The appellant's property consists of a two story single family residence with a large, three bay detached garage situated slightly to the rear of her home. Ms. Cappelle proposes to attached the two structures, convert one of the garage bays into a living room and kitchen area and to construct a second story addition above that portion of the structure that will Accommodate two bedrooms. One of the property's easterly side lot lines is at a severe angle to the rear of the garage resulting in a small portion of its left rear corner extending to within approximately 6 ft. of the line.

It was the board's opinion that the construction of the second story addition, which measures about 16 ft. by 27 ft., would not materially alter the nonconforming character of the subject premises. They noted that the aforementioned portion of the garage abuts a narrow strip of land, which in turn abuts Oak Street, that is virtually unbuildable and found that the vertical extension of this structure's nonconforming setback, especially where only a limited area of the building is involved, would have no impact upon the welfare of either the general public or area residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Confalone	Yes

PUBLIC HEARING: Michael and Dawn Nelson, 23 Hillando Drive, Shrewsbury, MA..

PURPOSE: To hear the appeal of Michael and Dawn Nelson, 23 Hillando Drive, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Subsection C, to allow the installation of an above ground swimming pool 8 ft. from the side lot line of property located at 23 Hillando Drive. The subject premises is described on the Shrewsbury Assessor's Tax Plate 30 as Plot 143.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Bridget M. Murphy, Fred Confalone and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on April 29, 2003 and May 6, 2003.

Mr. George: Please identify yourself for the audio record.

Mr. Nelson: I'm Mike Nelson of 23 Hillando Drive in Shrewsbury.

Mr. George: Would you like to tell us what you would like to do?

Mr. Nelson: Basically, you just described it. It's an aboveground, 24 ft. diameter pool. We'd like to put it a couple of feet closer to the lot line than the norm. We'd like to do that because it's the flattest part of the lawn. We just need to move it over towards the boundary a little bit.

Mr. George: Is that the only place on the lawn that you're able to put it without encroaching on the side yard setback?

Mr. Nelson: Yes, it's basically moving it into the corner of the lawn where it's most flat. It allows us to put in a pool that's 2 ft. larger in diameter than we would otherwise be able to.

Mr. Gordon: You're saying that the hardship is in the topography of the land?

Mr. Nelson: Yes.

Mr. Confalone: You would have to excavate a lot of soil to level off another part of the lot?

Mr. Nelson: Right.

Mr. George: Do any other board members have any questions?

Ms. Murphy: Have you talked to your neighbors about this?

Mr. Nelson: The one that has the property that we're moving it closest to has put in a fence already. It's actually behind a fence and a hedge row. They won't even see the pool.

Mr. George: Are they in favor of your putting the pool in?

Mr. Nelson: Yes.

Mr. George: Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

The decision of the board is on the following page.

Decision

On May 14, 2003 the Zoning Board of Appeals unanimously voted to grant the appeal of Michael and Dawn Nelson, 23 Hillando Drive, Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Subsection C, to allow the installation of an above ground swimming pool 8 ft. from the side lot line of property located at 23 Hillando Drive.

The board reviewed the appellants' proposal to install an above ground pool within the northeast corner of their rear yard and found that, due to the topography of the subject property, the literal application of the applicable terms of the Zoning Bylaw would substantially impede Mr. and Mrs. Nelson's ability to properly site a pool upon their lot. It was the board's opinion that the reduction of minimum setback by 2 ft. would not, in this instance, significantly depart from either the intent or the purpose of the bylaw and that the placement of the pool as proposed would have no impact upon the welfare of either the general public or neighborhood residents. It was, therefore, unanimously voted to grant the appeal as presented to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Confalone	Yes

PUBLIC HEARING: John C. and Lisa-Holly Sooy, 52 Boylston Circle,
Shrewsbury, MA.

PURPOSE: To hear the appeal of John C. and Lisa-Holly Sooy, 52 Boylston Circle, Shrewsbury, MA, for variances to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Side and Rear Yard Requirements, Residence A District, to allow the construction of an addition 35 ft. from the rear lot line of property located at 52 Boylston Circle and to allow the construction of a detached garage 8 ft. from the side lot line and 5 ft. from the rear lot line of said property. The subject premises is described on the Shrewsbury Assessor's Tax Plate 16 as Plot 61.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Bridget M. Murphy, Fred Confalone and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on April 29, 2003 and May 6, 2003.

Mr. George: Please identify yourself for the audio record and make your presentation.

Mr. Sooy: I'm John Sooy of 52 Boylston Circle, Shrewsbury.

Ms. Sooy: I'm Lisa Sooy.

Mr. George: What is it that you would like to do?

Mr. Sooy: We would like to put a large family room on for myself and my boys and we want to put up a detached garage. I did the staking out after we put the variance in. We can be 10 ft. off of each property line very easily. So, it's just a larger family room and a detached garage.

Mr. George: Ron, on the detached garage, how far off of the property line does it have to be?

Mr. Alarie: In this district, it's 20 ft. on the sides and 40 ft. at the rear.

Mr. Sooy: The way my house is situated, it's kind of funny. It's on Boylston Circle, but it's actually facing north/south rather than east/west. So, what you consider the front of my house, I consider the side.

Ms. Sooy: Do you have a copy of the plan? Do they know what it looks like?

Mr. Gordon: Do you have a copy of what you're going to do, other than what we have?

Ms. Sooy: Well, we have pictures that we brought. The thing is, with the way that the house is situated, it didn't make sense to put it anywhere else. This is the garage.

Mr. Gordon: The proposed garage?

Ms. Sooy: Yes. The reason we brought it is because we took a lot of care to make it a pretty building.

Mr. George: You don't have any plans for this, do you?

Mr. Alarie: No, just that one there.

Ms. Sooy: This would be the addition, right there.

Mr. Gordon: Thank you.

Mr. Sooy: If we moved it here, we could be 10 ft. off of it easily. I can move 15 ft. off of that line easily.

Mr. Alarie: Maybe you want to represent that to the board.

Mr. Confalone: Yes.

Mr. Sooy: Okay. What I'm saying is, what I just told this gentleman, I can be 10 ft. off of this and still have 8 ft. between the garage and the addition. I can be 15 ft. off of that line and still have 7 ft. between the addition and the garage. That's not really quite to scale. We've have it staked out.

Ms. Sooy: What we're concerned about is that the 2 corners would touch and there wouldn't be any way to get between them to go into the back yard.

Mr. Gordon: Can we modify it?

Mr. Alarie: Yes. You can't get any closer, but certainly you can increase the setbacks.

Mr. Gordon: We can move farther away? Okay.

Mr. Sooy: I'm not looking to get closer to it.

Mr. Gordon: I'm just asking Ron for an opinion.

Mr. Gordon: The existing garage is going to remain?

Mr. Sooy: Yes. The existing shed is going to go away.

Ms. Sooy: We're going to use it as a garden shed.

Mr. Sooy: Really, it's a small 1-car garage.

Mr. George: What's the approximate size of the garage?

Ms. Sooy: It's 15 ft. x 20 ft.

Mr. Sooy: You can't get my Grand Caravan in there and comfortably open the doors. It can fit inside, but it's really tight.

Ms. Sooy: Also, it's so far away from where you come into the house that it's almost ridiculous. When you walk out in a storm, you have to walk all the way down the driveway. To get the snow blower, walk all the way down to here to get the snow blower. It doesn't have the purpose of what you would want a garage to have.

Mr. Gordon: What is the 14.3 ft. x 13 ft.?

Mr. Sooy: The existing family room that's already there.

Mr. Gordon: That's a family room or just an entrance way?

Ms. Sooy: Both.

Mr. Sooy: It's a small family room and I have myself and my whole family. We can't all fit in chairs. Two of my sons end up on the floor on movie night.

Mr. George: So, what will that turn into?

Mr. Sooy: That will be part of the family room.

Mr. George: That will be part of the family room?

Mr. Sooy: We'll move the gable end of that room and push up and make it a larger family room, 26 or 27 ft. long.

Mr. Gordon: The new family room will be like an L?

Ms. Sooy: Yes.

Mr. Sooy: There will be a mudroom over near the driveway.

Mr. Gordon: You're not going up, you're just going out?

Ms. Sooy: Right.

Mr. Sooy: It will be just one level.

Mr. Gordon: What you're calling the garden shed now, does that need to have a driveway?

Mr. Sooy: That already exists.

Ms. Sooy: The driveway's there. You would expect the garage to be there.

Mr. Gordon: No, I'm talking about the existing garage.

Ms. Sooy: The driveway goes there as well.

Mr. Gordon: There's a garage here and this is the front door, right?

Mr. Sooy: That's the door that we use most of the time that goes into the living room. The driveway goes all the way down to the shed. This spur goes over and the walkway, as well as the driveway.

Mr. Gordon: Okay, I think I understand what you're trying to do.

Mr. Sooy: I'm just trying to make a bigger room for my family to sit in. There will be a mudroom here. There will be an entrance way here. The biggest problem we have with the whole house is that, if anybody comes to the house, they go to this door. This is the one we use 99 % of the time. You can't see it unless you pull all the way into the driveway. We are going to try to put the door here so that you can see it.

Mr. George: On this section right here, how close would you say it is going to be to the property line?

Mr. Sooy: I can make it 10 ft. or I can make it 12 ft. If I make it 10 ft., I'm into the trees. That's going to have to be at least 15 ft. I'm sorry, at least 12 ft. to be out of the trees.

Mr. Confalone: So, the garage is coming to within 10 ft.?

Mr. Sooy: That's what we're asking for, but I can get more than that.

Ms. Sooy: We don't think it's going to be that, but we wanted to be safe because we staked it out and found we could move it a little closer to the house.

Mr. Confalone: You don't want the garage on top of your family room?

Ms. Sooy: That's right.

Mr. Sooy: I want space where I can get the lawn mower through and where the kids can run through.

Mr. Gordon: Yours is not a common driveway with the neighbor next door, right?

Ms. Sooy: No, it's not.

Mr. Sooy: The other house sits here and there's an easement for the water line that runs right under their driveway.

Mr. George: Do you have any other questions?

Mr. Confalone: Is the abutter to your left okay with this?

Ms. Sooy: We actually talked with every person surrounding us and then every person one more than that. So, we think we spoke with everyone that could even see it. We weren't going to take any chances. They were all terrific. We chatted with people we hadn't seen in ages.

Mr. George: Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

The decision of the board is on the following page.

Decision

On May 14, 2003, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of John C. and Lisa-Holly Sooy, 52 Boylston Circle, Shrewsbury, MA, for variances to the Town of Shrewsbury Zoning Bylaw, Section VII, Table II, Minimum Side and Rear Yard Requirements, Residence A District, to allow the construction of an addition 35 ft. from the rear lot line of property located at 52 Boylston Circle and to allow the construction of a detached garage 10 ft. from the side and the rear lot lines of said property.

The board noted that the appellants' property, which is located on the easterly side of Boylston Circle, is very unique in its configuration. It is "flag" shaped with the bulk of its land area and their residence situated behind the home located at 50 Boylston Circle. Its access is provided via a 38 ft. wide by 100 ft. long finger of land that connects the building area to its street frontage. Their residence, due to the shape of the property, faces their northerly side lot line rather than Boylston Street and Mr. and Mrs. Sooy propose to construct an addition to what is the side of their home that would extend to within 35 ft. of their rear lot line. They also plan to construct a detached garage in the northeasterly corner of the parcel which they proposed to position 8 ft. and 5 ft. from the Aforementioned side and rear lot lines, respectively.

The board concluded, after reviewing Mr. and Mrs. Sooy's presentation and the building and plot plans illustrating the proposed construction, that the shape of this property does not lend itself to the standard application of the applicable dimensional controls set forth in Table II of the Zoning Bylaw and that, in this instance, the literal application of those requirements would impose a substantial hardship to the appellants. It was their opinion that the 5 ft reduction of the rear yard setback to permit the construction of the addition to the side of existing dwelling would not seriously depart from the intent of the bylaw. However, considering the siting of the garage, they found that this structure could be placed further away from both the side and rear lot lines without materially impacting or altering the Sooy's request and, further, found that increasing those setbacks to a minimum of 10 ft. would lessen any derogation from the objective of the bylaw in providing for such minimum setbacks. They found that the

granting of the relief to permit the aforementioned construction would not adversely impact the welfare of either the general public or area residents and, therefore, unanimously voted to grant the variances as amended by the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Confalone	Yes

PUBLIC HEARING: NationsRent USA, 800 Hartford Turnpike, Shrewsbury, MA.

PURPOSE: To hear the appeal of NationsRent USA, 800 Hartford Tpke., Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Subsection E-4a, to allow the placement of a sign 9 ft. from the side line of the Hartford Tpke. upon property located at 800 Hartford Tpke. The subject premises is described on the Shrewsbury Assessor's Tax Plate 43 as Plots 1-4, 1-5, 1-6, 1-7 and 1-8.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Bridget M. Murphy, Fred Confalone and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on April 29, 2003 and May 6, 2003.

Mr. George: Counsel, would like to make your presentation please.

Atty. Ricker: Thank you Mr. Chairman and members of the board. My name is Richard Ricker. With me tonight is Bill Thompson the district manager of NationsRent whose plan to come out of bankruptcy actually was approved, as I understand it, today. So, they're back and up and running, hopefully.

Mr. Gordon: That's good to hear.

Atty. Ricker: Yes, it is.

Mr. Gordon: It means we can lean on you.

Atty. Ricker: That's good, that's good. Thanks

Mr. Thompson: Well, I don't know, it's going to be a tough year.

Atty. Ricker: The proposal in front of you tonight is the last thing, I believe, to come before the various boards we've been in front of in town relative to an overall change that had to take place with NationsRent and its facilities at 800 Hartford Turnpike.

As you may recall, this area in yellow has been leased to Enterprise Rent-A-Car and Car Sales. They were recently before your board for the purposes of locating here. We discussed, at that time, what area of the site was theirs and what would remain NationsRent's. The remainder of the facility that is outlined in green would remain NationsRent's for the purpose of their continuing operation and, presumably, growth. As Mr. Gordon and others may also note, we have made some changes to the site plan in order to accommodate the changes that have taken place. There has been some fencing added to the site. There are 2 curb cuts instead of the original 3 that we had sought, I think, several years ago at the Planning Board hearing.

So, things have changed. With this change, of course, comes signage. What we are requesting is to move from this sign location to this sign location, parallel to Route 20. This will allow us to add an additional sign to allow Enterprise to take over the present location for their signage and to allow NationsRent to move their present sign to this location, which is in front of their building. The sign would remain the same as it is now. If the board does not have any sketches of it, I do have copies of a photo.

The reason for the need is, obviously, we're on Hartford Turnpike and the grade of this lot is such that, from Route 20 going back into the lot, it slopes downward. If we were required to put a sign further back in here, you have wetland areas over here and, knowing that we have vegetative barriers here, it would be difficult to see because your grade drops off. It drops off at a pretty decent rate. You have wetlands that come back over in here. They actually do come up in here. As you know, on the other side of Hartford Turnpike, that grade continues to climb. It climbs up at a steeper rate. That is the topographical feature that I would suggest poses a hardship here. We have a grade that drops off. It would be very difficult for the passersby to see that signage in any meaningful way. This is incidental only to this particular site. The site to the east of it is all wetlands. The site to the west of it is a very nice and level site going over to South Street. This particular location abutting the wetlands does drop off. Although there has been fill added, it still has a pretty decent drop-off there.

I would suggest that this is not a derogation to the bylaw. In fact, the new zoning changes that I believe that the town meeting is going to be voting on will bring the signage closer to the road than what is presently allowed. This would be more in line with that. We also have, as you know, experienced a tremendous change at this site over the last few years and tremendous improvement. This would be the final act to that improvement which has added tremendous value, I would say, to

that particular area and to the site and it has been beneficial to the Town of Shrewsbury.

In this particular case, I would suggest that there is no additional detriment and no nuisance value to this. It clearly fits in with the vegetative landscape that's there and the buildings that are there. I would ask the board to grant the variance.

Mr. George: Counsel, how far apart will the Enterprise Rent-A-Car sign be from the NationsRent sign?

Atty. Ricker: I think it's about 80 or 90 ft.

Ms. Murphy: Why wouldn't you just do the dual sign?

Atty. Ricker: Because Enterprise has a thing with their national policy, and so has NationsRent being a national company, that they just don't allow their franchises, their locations, to have anything but standalone signs.

Ms. Murphy: What I'm concerned about is creating the same kind of a signage problem that we have on Route 9 if we start allowing multiple signs.

Atty. Ricker: There is a fairly lengthy frontage on this particular property, it's a pretty substantial property, and I don't think having these 2 signs is a bunching of signs like what we've all been concerned about on Route 9. I don't think that there's that type of bunching.

Mr. Thompson: We have half the length of our facility down Hartford Turnpike. It's so long that, when you turn out of South Street, you're pretty much at the bottom of the hill before there is any change in any buildings or businesses. We pretty much have the whole length of the road right there.

Mr. George: Are you going to use the existing sign that you have now?

Atty. Ricker: It's my understanding that we are.

Mr. Thompson: Yes.

Mr. George: Do any board members have any questions?

Mr. Gordon: What is the progress, or whatever, with the Common's request?

Atty. Ricker: I left a message for the chairman of the trustees that I wanted to talk to her. The bottom line is that we're going to suggest to them that, if the Board of Trustees gives us a vote telling us that they want that signage that they requested and if we can get Mass Highway to approve, then we would have no

objection to putting that signage up. We need to get approved the “no left turn” sign that the chairman of the trustees wanted us to place at this location across from the Common’s driveway coming out. So, we’re prepared to accommodate that request.

Mr. Gordon: The sight distance on that side, looking east, is not as good as it should be. They had a sign of some type, although it was not known to your clients, on your side and somehow it came down.

Mr. George: How was that sign put there in the first place?

Mr. Gordon: Nobody seems to know.

Atty. Ricker: Nobody knows. We assume that someone from the Commons put it up and that it was just their effort to keep people from crossing Route 20 and turning left.

Mr. George: So, it wasn’t done by the owners of your property?

Atty. Ricker: No. However, we did say that we would accommodate them if we could. As long as it meets Mass Highway approval and as long as it’s the whole condominium association that asks us to do that, we are willing to put it up.

Mr. Alarie: Just one comment that I would make in regards to your concern about the multiple signs. They have quite a bit of road frontage. It would probably allow close to 1,000 sq. ft. of signage at the rate of 2 sq. ft. of signage for 1 ft. of frontage. As a tradeoff, if you will and if you wanted, you could restrict them to 1 sq. ft. per lineal foot of frontage. That would still allow you a decent amount of signage space for this site. Is that acceptable? I know that’s what was done over at Olde Shrewsbury Village when they were permitted to pull the signs closer to Route 9 and Route 20. The board, as a mitigating condition, reduced the total number of signs that were permitted on that site.

Mr. George: I think that would be good.

Ms. Murphy: That’s a good idea.

Mr. Thompson: I haven’t done the calculations.

Mr. Alarie: I would say that you’re still well below 500 sq. ft. of sign space. I’m not sure if you’re anticipating any additional signs for the buildings, but it would still provide you for a sizeable allowance.

Atty. Ricker: I think Enterprise has even come to your office with some signage diagrams for the building itself, but I don’t know that its anything extraordinary.

Ms. Murphy: I think it's a good idea.

Mr. Confalone: I think so too.

Mr. Gordon: Ron, in March, how far did we vote for the sign to go back?

Mr. Alarie: You changed the front yard setback from 75 ft. down to 40 ft.

Mr. Gordon: Right.

Mr. Alarie: The sign placement is half of that. So, you've gone from 37.5 ft. down to 20 ft.

Mr. Gordon: And, this is?

Ms. Murphy: Nine.

Atty. Ricker: This is almost 20 ft. off of the paved roadway, as it stands.

Mr. Gordon: As it stands?

Atty. Ricker: Yes.

Mr. George: How many feet did you say?

Atty. Ricker: It's almost 20 ft. off of the paved road. As we all know, the right-of-way reaches in there.

Mr. George: Right.

Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On May 14, 2003 the Zoning Board of Appeals unanimously voted to grant the appeal of NationsRent USA, 800 Hartford Tpke., Shrewsbury, MA, for a variance to the Town of Shrewsbury Zoning Bylaw, Section VII, Subsection E-4a, to allow the placement of a sign 9 ft. from the side line of the Hartford Tpke. upon property located at 800 Hartford Tpke.

The subject premises has recently been reconfigured in accordance with a special permit issued by this board to allow, in addition to the sale, rental and repair of construction and industrial equipment currently conducted by the appellant on a portion of this site, the sale and leasing of motor vehicles by

Enterprise Rent-A-Car Company of Boston, Inc. The board reviewed NationsRent's proposal to install a second pylon sign along their frontage so that each of these businesses would be separately identified according to their positioning along Route 20. It was their opinion that, due to the topography of this site and the width of the Hartford Tpke. right-of-way, the literal application of the aforementioned provisions of the Zoning Bylaw would impose a substantial hardship to the appellant. They noted that a recently adopted zoning amendment has reduced the minimum front yard setback for such structures from 37.5 ft. to 20 ft. and felt that the placement of the proposed sign, which would be 9 ft. from the property line, but almost 20 ft. from the edge of the road itself, would not significantly depart from either the intent or the purpose of the bylaw. It was, therefore, unanimously voted to grant the appeal as presented to the board subject to the stipulation that the overall signage permitted upon subject property shall not exceed 1 sq. ft. of sign area for each linear foot of the property's street frontage.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Confalone	Yes

PUBLIC HEARING: Walter Lima, 431 Boston Tpke., Shrewsbury, MA.

PURPOSE: To hear the appeal of Walter Lima, 25 Yorkshire Terrace, #12, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the use of property located at 431 Boston Tpke. for dermagraphics. The subject premises is described on the Shrewsbury Assessor's Tax Plate 33 as Plot 171.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Bridget M. Murphy, Fred Confalone and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on April 29, 2003 and May 6, 2003.

Mr. George: Would you just identify yourself for the record please.

Ms. Lima: Good evening everyone. My name is Evelyn Lima. This is my husband, Walter Lima. Thank you so much for considering to listen to us. I have little packets so that you can have an idea of what Cosmetic Solutions is. You will find in the contents of your little folder the business explanation, business profile, associations and the education.

What is dermagraphics? I just wanted to make a little difference between the tattooing business and dermagraphics. They both fall under the same category, but dermagraphics goes toward the side of the medical field of tattooing. I brought examples so that you can have an idea of what it is. This lady has completely uneven eyebrows. This is a picture of her before. After she did the permanent makeup on her eyebrows, she looks much lighter and younger. It is the same thing on the lady down here with the eyebrows and the eyeliner. This is the medical side of the dermagraphics.

The medical side is the good side, I would say, for victims of burns. This man had multiple burns on the chest area. He lost pigmentation on the nipple area, as well as on the chest. After the tattooing was done on the area, you can see a great improvement. It's the same thing for the eye. This man is blind. Because it was perforated, he lost pigmentation on the iris. This is done, obviously, with the supervision of a doctor. This is a very difficult procedure.

Also, there is the cover-up. This is called cover-up. Some people, at younger ages, go to tattoo parlors and tattoo themselves. Later on, they regret that they did it. That's too bad because it's very expensive to use the laser surgery to remove it. So, we offer options. If it's a small area, Walter can re-pigment the color of the skin and just clear the skin. In this case here, you can see it's a huge tattoo and he couldn't even wear shorts because he was so embarrassed. So, he chose a design, a different design, he wanted to have to cover up that ugly design. This is what he chose.

I have a lot of respect for the tattooing, as well, because it's an art. It's like your painting on canvas. It's just on skin. So, this is what was done. It's the same thing here. This man had a choice of just re-pigmenting or making another design. He chose another design.

So, this is what Cosmetic Solutions will be; the covering of skin features using the permanent makeup, the medical side and making the eyeliners, the lip colors, eyebrows, scar camouflage, beauty marks and skin re-pigmentation on undesirable body arts including cover-up and removal.

Is dermagraphics right for you? Before, obviously, there needs to be a lengthily consultation with the client to find out the needs and to find out the expectations. Obviously, anyone under the age would not receive any kind of procedure.

The consultation process is that, when we set an appointment with a client, the client will come in and we will discuss what the client wants. After we find out the needs and the expectations, we will choose the colors, the shapes in the case of an eyebrow or whatever it is, with the client. Then we will put the temporary makeup on. We make it exactly how it is there; it's just temporary. We'll take a picture and that person goes home. Then they will have a chance to see

whether they really like it or not. If not, they will come back and we'll choose another design. If yes, then we will do the permanent part of it.

After we do this, there will be a biomedical form that they have to fill out because, for people with diabetes, hemophilia and such, there is a problem with any kind of procedure. So, we need to be aware of that. There is pre-care and post-care. The healing process should be explained to the client, as well. There are the consents just like when you go to the doctors and confidentiality, as well. The referrals usually come from plastic surgeons, dermatologists, cosmetologists and beauty salons and other places.

We will have a contract for the hazardous waste material, pending our approval in order to close the contract. Also, we will be affiliated with 2 major associations in the country for permanent cosmetic makeup. But, we need approval as well because we need to give them the number of our autoclave and our cleaning devices.

You will find a copy for Walter's education and all of the certificates from the Red Cross and the institutes that he has gone to in your packet. You will also find a business profile, as well. You have copies of the original certificates that you see here in your packet and also information about the associations, as well. These associations are the major associations in the country.

This is what it is. Thank you very much. If you have any questions, Walter will answer them.

Ms. Murphy: There's no certification required by the State of Massachusetts, is there?

Ms. Lima: Yes.

Ms. Murphy: What certification is that?

Ms. Lima: We downloaded from the State the regular regulations. But, each town has different things. In order to do this, we spoke to Nancy Allen and she said the regulations for Shrewsbury were not completely done yet. We researched 4 or 5 towns. We chose the toughest ones and tried to follow their guidelines. In Massachusetts, you need to have 1 year of experience in the field. You need to have the sterilizations and the cross contaminations certifications.

Ms. Murphy: It's considered tattooing, then?

Ms. Lima: It's considered tattooing, yes.

Ms. Murphy: Okay.

Ms. Lima: Because of the needle.

Ms. Murphy: I have no problem with it. I have no problem with the terminology you use. I just want to be clear that that would be a requirement from the Board of Health.

Ms. Lima: Yes.

Ms. Murphy: Looking at the licenses that you had from the State of New York, that's not applicable here. You would need to follow what the Board of Health regulations would be, correct?

Ms. Lima: As far as I understand, no. As long as you are certified and you follow the instructions from the state and the town, you're okay.

Ms. Murphy: Okay.

Mr. Confalone: You do need Board of Health approval for this?

Ms. Lima: Yes.

Mr. Confalone: Yes, because of autoclaving and waste disposal. You've sat in front of the Board of Health?

Ms. Lima: Yes. In fact, there was a letter.

Ms. Lane: Yes, it's in the folder.

Ms. Lima: Okay.

Ms. Murphy: Ron, what zone is this in and why are they here on a special permit.

Mr. Alarie: It's in a Commercial Business District. We instituted new sets of regulations in November of 2001, I believe, for body art establishments. They clearly fall under that definition. It's a special permit use within that zoning district. There is a caveat in there that restricts, basically, the signage that can be displayed or viewed from any public way. I have had that discussion with Mr. and Mrs. Lima.

Mr. Gordon: There's a footnote number 22.

Ms. Lima: Yes.

Mr. George: So, there's no signage, Ron?

Mr. Alarie: No body art or similar details that would be visible from the public way other than a business sign.

Mr. Confalone: They can advertise their business, but not body art?

Mr. Alarie: They can have their sign, but no body art displayed. If you read the footnote, it is explicit as to what and where such displays are restricted.

Mr. Gordon: What are the age restrictions?

Mr. Lima: Eighteen.

Mr. Gordon: There is an age restriction, though?

Mr. Lima: Yes.

Ms. Lima: There is.

Mr. Gordon: It can't be done with a minor without their parent's permission?

Mr. Lima: No.

Ms. Lima: No. There is one thing that I want to mention. There will be no piercing at all. This place will look like a doctor's office, in a sense, because it will be done only by appointment. There will be no hanging around outside. It will be a very professional atmosphere, very professional environment.

Mr. Gordon: You would have no problem if we put that in the language of our decision that this will be as you just described it and we wrote down?

Mr. Lima: By appointment only.

Ms. Lima: By appointment only, yes.

Mr. Gordon: What are your hours of operation going to be?

Mr. Lima: I was thinking 1:00 to 8:00.

Mr. Gordon: Monday through Friday, Monday through Saturday?

Ms. Lima: Maybe Monday through Saturday.

Mr. Gordon: Only 1 P.M. to 8 P.M.?

Mr. Lima: Something like that, yes.

Mr. Gordon: No Sundays?

Mr. Lima: No.

Ms. Lima: No.

Mr. Confalone: Are you going to be occupying this whole building?

Ms. Lima: This building is an older house. There are 5 different offices in there. We have a quarter of it, which is 4 rooms and a full bath room.

Mr. Confalone: Is there going to be adequate parking for your clientele?

Ms. Lima: Definitely, yes, in the back.

Mr. Confalone: And, everything else?

Ms. Lima: Right. The idea is to have a waiting room, a work room, a storage room and the office upstairs.

Mr. Gordon: Ron, on that parking question, I remember the place next door, which is part of the same lot, had some parking restrictions because of the rental trucks in back. Is there adequate parking.

Mr. Alarie: There was a considerable amount of difficulty with the transmission shop that was there. There were vehicles that were being stored on that premises. Technically, if you look at the parking scheme, the parking was designed to accommodate this building's use as an office building. But, the gentleman next door does have some vehicles for rent and they take up some of the spaces. Most of the problems stemmed from the transmission shop that was previously on the opposite side of the site.

Mr. Gordon: I just have one other question. How long have you been in business somewhere?

Mr. Lima: I come from Brazil and I've been in this country for 15 years. I started doing tattoos and working on that before I came here. Before that, I did oil paintings since I was 12 years old.

Mr. Gordon: But, how long have you been in a commercial venture or is this your first business?

Mr. Lima: Yes, this is my first business.

Ms. Lima: Ten years.

Mr. Gordon: Did you have a business somewhere else?

Mr. Lima: In Brazil.

Mr. Gordon: You had a business in Brazil? I'm one who is prone, on special permits of this type, to look at a time length. Do you have a problem with that, that the permit will last for so many years and, if everything was going well, you'd come back and it goes again? But, if you're not complying with what you said, we have the option of pulling the permit.

Ms. Lima: We have no problem with that.

Mr. Lima: No, no problem at all.

Mr. George: Is there anybody in attendance this evening that wants to comment on this petition? Do any board members have any questions?

Mr. Gordon: I think we should have some discussion about this.

Mr. George: We will. Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

Decision

On May 14, 2003, the Shrewsbury Zoning Board of Appeals unanimously voted to grant the appeal of Walter Lima, 25 Yorkshire Terrace, #12, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section VI, Table I, to allow the use of property located at 431 Boston Tpke. for dermagraphics.

The appellant proposes to conduct his business, Cosmetic Solutions, from an office suite situated within the subject premises. The business will involve, as described to the board, "the covering of skin features using the permanent makeup, the medical side of making the eyeliners, the lip colors, eyebrows, scar camouflage, beauty marks and skin re-pigmentation on undesirable body arts including cover-up and removal." Such activities fall within those procedures as defined in Section II of the Zoning Bylaws as a "Body Art Establishment" and, further, they are allowed to be practiced within a Commercial Business District upon the issuance of a special permit in accordance with Section VI, Table I, of the bylaws.

The board reviewed Mr. Lima's business plan and his oral presentation and found them to be consistent with the intent of the bylaw in permitting such establishments within this business district. It was their opinion that the conduct its operation, which is a highly specialized form of dermagraphics, at this site would not create

any condition which would be harmful or injurious to the welfare of the general public. It was, therefore, unanimously voted to grant the appeal as presented to the board and subject to the conditions and stipulations as follows:

1. The rights authorized by this decision are issued solely to the appellant and are not transferable.
2. Business hours shall be limited to those hours between 10:00 A. M. and 8:00 P. M., Monday through Saturday. There shall be no business activities conducted on Sundays.
3. There shall be no body piercing conducted upon the premises.
4. The rights authorized by this decision shall remain in effect for a period of 3 years, said period commencing upon the filing of this decision with the office of the Shrewsbury Town Clerk.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Confalone	Yes

PUBLIC HEARING: John LaCroix/Ski Ward Ski Area, 1000 Main Street, Shrewsbury.

PURPOSE: To hear the appeal of John LaCroix/Ski Ward Ski Area, 11 Arcturus Drive, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the replacement and modification of the existing chairlift situated upon property located at 1000 Main Street. The subject premises is described on the Shrewsbury Assessor's Tax Plate 18 as Plot 30.

PRESENT: Paul M. George, Chairman Pro-tem, Melvin P. Gordon, Bridget M. Murphy, Fred Confalone and Ronald S. Alarie, Building Inspector.

Mr. George opened the hearing by reading the advertisement as it appeared in the Worcester Telegram on April 29, 2003 and May 6, 2003.

Mr. George: Please identify yourself for the audio record and make your presentation.

Atty. Ricker: My name is Richard Ricker and I'm an attorney with offices here in Shrewsbury. Next to me are John LaCroix and his wife, Evelyn. They've been the operators of Ski Ward for the last 13 years. Also in the room are some of their employees and friends and also Mr. and Mrs. Ward, whom I am pleased to see. We've all known them for many years. They are the owners of Ward Hill.

This is a request for a special permit to allow them to change their chairlift. The existing chairlift is a 2-chair lift. It has outlived its technological usefulness. It's outlived its normal life. They desire to install a new 3-chair lift. I do have some diagrams here. If I could pass these out, these are clipped together, they show the new lift.

Mr. Gordon: Is this the location, on the right, where the surveyor's work is?

Atty. Ricker: Yes. It's in the same location as the existing lift.

Mr. Gordon: It's in the existing location?

Mr. LaCroix: Yes. We are going to utilize some of the same footings. That's what the surveyors were doing. They were testing the area.

Ms. Murphy: This is a replacement, not an addition?

Atty. Ricker: That's correct. This would replace the existing chairlift. In fact, the base that you see would be located in the same location as the present base, only it would be further from the road because it is much smaller than the existing base. This lift would also utilize the present towers going up the hill. There wouldn't be any additional towers; however, there would be 4 additional footings at the base of the lift. That's the reason for the special permit. This is a change to a preexisting nonconforming structure at the site. This would be a substantial investment along the lines of, can I say?

Mr. LaCroix: Yes.

Atty. Ricker: It would be \$400,000. It is a substantial investment to the facility as well as to the community in terms of investment for safety. It's technologically superior to the lift that is there now. It will greatly improve the utilization of the site. It will be much safer than the present lift. So, I would suggest that, based on these factors and also on the fact that this is a much more sightly lift, this would improve their facilities. I have some photos of the old one if you want to see them. I will just pass them around. Based on all of these factors, I would suggest that this qualifies for the special permit which they're asking for. There is absolutely no detriment to the neighborhood by this change. In fact, this lift is much quieter than the present lift. Again, it's much nicer looking.

Ms. Murphy: I just have one question on it. You're putting in a 3-chair lift. I'm going to make the assumption that it's faster than the 2-chair lift?

Mr. LaCroix: It's not faster in terms of the ride up the hill.

Ms. Murphy: So, my question for you then is, how many more skiers are you going to be able to accommodate on the lift other than what you have now? Do you have sufficient parking to accommodate the additional skiers that may be coming to you?

Mr. LaCroix: That's not actually more skiers. It's the same skiers getting more rides.

Ms. Murphy: There you go.

Mr. LaCroix: Right.

Atty. Ricker: Really, if you've skied Ski Ward, I think that you would be able to attest to that. The bottom line is that it will better accommodate their patrons. It will not necessarily increase the number of skiers.

Ms. Murphy: You're going to reduce your lift line?

Mr. LaCroix: Hopefully, there are lift lines. The fact is that the double chairs are almost obsolete. They're not building them anymore. So, you're almost forced to go with a triple chair lift.

Ms. Murphy: So, there is not a parking problem? You won't have increased business and you won't then create a problem with parking?

Mr. LaCroix: I would love to say that we would have increased business, but this in not being done for that purpose.

Atty. Ricker: I would suggest that there is sufficient parking, clearly sufficient parking.

Ms. Murphy: Okay.

Mr. George: Plus, you're improving the safety of the riders.

Atty. Ricker: Absolutely.

Ms. Murphy: I have no objection to it. I just want to be sure there is no impact on the neighborhood.

Mr. Confalone: So, if the volume of people is not going to increase, there is going to be no traffic impact?

Atty. Ricker: That's correct. I also have a letter from one of the most direct abutters which I would like to submit. It's from Mr. Robert Borgatti who, as you know, owns property almost all around us.

Mr. LaCroix: Our initial intent was to look into reengineering this existing lift. The cost to do that was prohibitive. It was difficult to find someone that would actually assume that liability. We are almost forced to go to a 3-char lift.

Mr. Gordon: What's being added to the top of the hill? Is that staying the same?

Mr. LaCroix: The concrete's going to be utilized. It's going to be a larger diameter wheel to accommodate the lift.

Atty. Ricker: There will be different wheels at the tops of the towers. They will be utilizing the same towers, though.

Mr. Gordon: To do this, you're going to need another winter like this one.

Mr. LaCroix: Not quite as cold. It's obviously a huge deal for us. It's not something that we anticipated being able to do in terms of financing, but we've established a business. It's been growing every year. We think we would like to continue. This is what we have to do in order to continue to do business here.

Atty. Ricker: This is a substantial commitment to the town, as well as to their customer base.

Mr. Gordon: You're obviously comfortable with the length of your lease?

Mr. LaCroix: We are.

Mr. George: Have there ever been any complaints about noise, about snow making or anything that you know of?

Mr. LaCroix: There were noise complaints.

Mr. Alarie: I'd probably address that. Perhaps several years ago, I received several complaints from some of the new residents up on Spring Street as well as some people in Northboro. Mr. LaCroix addressed that quite rapidly. I think, over the past 5 years, I've not received any other complaints. He could perhaps describe to you the changes that he made in the snow making equipment. He worked very cooperatively with me in terms abating that issue. The very first question I asked him about this was what about the noise. He has indicated to me that this will reduce the noise levels compared to what the existing equipment

creates. As I've said, he's made some significant changes to his operation over the years.

Mr. George: Are there any time limits on the snowmaking at all?

Mr. Alarie: Not in terms of the town.

Atty. Ricker: They've always been doing it. In fact, I used to make snow there.

Mr. LaCroix: As far as the noise, it really stemmed from the type of snowmaking equipment that we were utilizing. They were very old air compressors that didn't have any mufflers on them. At that time, we muffled them, we built a fence with foam and sound absorbing material. We no longer utilize that type of equipment. We utilize a fan which is the quietest available. It allows us to make more snow more quickly and operate within the parameters of Mother Nature, which sometimes are quite strict as you know. All of the machinery for this new lift is enclosed in a machine room. There is no open gear. The older lifts, both chairlifts and service lifts, utilize big, giant, open gears that are noisy by nature. That's all been eliminated.

Mr. George: This is only operated during your hours of operation? It's not operated late in the evening?

Mr. LaCroix: It wouldn't be operated after closing. We may occasionally move it if it's in the way or from a maintenance standpoint, but it costs money to run it. So, we only operate it when we are open for business.

Ms. Murphy: It makes sense to me.

Mr. George: Do any board members have any questions? Is there anybody in attendance this evening that wants to comment on this petition? Seeing no further comment, we'll take the matter under advisement, vote at the end of the meeting and notify you of our decision.

The decision of the board is on the following page.

Decision

On May 14, 2003 the Zoning Board of Appeals unanimously voted to grant the appeal of John LaCroix/Ski Ward Ski Area, 11 Arcturus Drive, Shrewsbury, MA, for a special permit as required by the Town of Shrewsbury Zoning Bylaw, Section IV, Subsection B, to allow the replacement and modification of the existing chairlift situated upon property located at 1000 Main Street.

The subject premises, commonly known as Ward Hill, has been used as a winter skiing facility for over 40 years, the last 13 years by the appellant operating as

Ski Ward. In October of 1983, a special permit was issued by this board which allowed Mr. LaCroix's predecessor to install a two person chairlift at this location. That equipment is now outdated, antiquated and in need of repair and Mr. LaCroix proposes to install a three person lift. The location of the lift will not change and part of the existing system's frame work will be utilized in the new installation. The new lift will, as submitted by the appellant, facilitate the movement of skiers about the site and will not necessarily promote an increase in the number of skiers patronizing Ski Ward.

It was the board's opinion that the proposed alteration of the existing lift would not materially alter either the nonconforming configuration or use of the subject premises and that the modernization of this lift would promote public safety, improve the appearance of this structure and reduce noise levels created by its operation. They found that the issuance of the special permit would also promote the purposes of the Zoning Bylaw as enumerated in Section I and it was, therefore, unanimously voted to grant the appeal in accordance with the appellant's presentation to the board.

Vote

Mr. George	Yes
Mr. Gordon	Yes
Ms. Murphy	Yes
Mr. Confalone	Yes